UNITED NATIONS

E/NL.1991/31-34
30 July 1991

ENGLISH ONLY

LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.

PHILIPPINES

Communicated by the Government of the Philippines

NOTE BY THE SECRETARIAT

(a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [ ] have been added or changed by the Secretariat.

(b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

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E/NL.1991/31

BOARD REGULATION No. 2, S. 1990, 11 January 1990

AMENDMENT OF BOARD REGULATION NO. 3, S. 1979 REQUIRING ALL OFFICERS OF THE CRIMINAL JUSTICE SYSTEM INVOLVED IN DRUG PREVENTION AND CONTROL TO REPORT ALL DRUG SEIZURES/CONFISCATIONS AND MONITOR DRUG-RELATED CASES

Whereas, the Senate Ad Hoc Committee on Illegal Drugs denounced that narcotics Enforcement Officers are not reporting their drug seizures or are submitting inaccurate quantities of drugs seized or confiscated by them;

Whereas, the Committee denounced that these drugs are sold or recycled to the illicit market;

Whereas, Section 20 of R.A. 6425, as amended, 1/ provides in part that:

> "Any apprehending or arresting officer who misappropriates or misapplies or fails to account for seized or confiscated dangerous drugs or plant-sources of dangerous drugs or proceeds or instruments of the crime as herein defined shall after conviction be sentenced to imprisonment ranging from eight years and one day to twelve years and a fine ranging from ten thousand to twenty thousand pesos in addition to absolute perpetual disqualification." (As amended by B.P. Blg. 179 dated 2 March 1982)

NOW, THEREFORE, the Dangerous Drugs Board, pursuant to its powers under Section 36(a) of R.A. 6425, as amended, hereby prescribes the following:

SECTION 1. The Chief, Philippine Constabulary/Director-General, Integrated National Police, including the Director, National Bureau of Investigation, and Heads of other law enforcement agencies, shall see to it that all their narcotics operatives shall submit to the Board accurate reports, with photographs on drug seizures and confiscations, including instruments, apparatuses and articles.

SECTION 2. The accuracy of the seizure reports shall be attested to and verified as true and correct by the most ranking official of the agency before submitting same to the Board.

SECTION 3. The Department of Justice shall monitor drug-related cases filed from prosecution to the courts together with the final dispositions, whether the case resulted in conviction, acquittal or dismissal, and shall periodically submit these to the Board.

SECTION 4. The Board or the Executive Director or the Chief Legal Officer, or Chief, Control, Regulation and Intelligence Division, or their duly authorized representatives shall conduct spot check of drugs in the custody of the Philippine Constabulary Crime Laboratory and the National Bureau of Investigation.

SECTION 5. The Philippine Constabulary Crime Laboratory and the National Bureau of Investigation shall submit to the Board a quarterly inventory report of drugs in their legal custody, subject to further verification by authorized officers of the Board.

SECTION 6. The orders be issued immediately by the above-mentioned agencies to strictly implement this resolution, furnishing the Board a copy thereof.

SECTION 7. The apprehending team shall: (a) within forty-eight (48) hours from the seizure inform the Dangerous Drugs Board by telegram of said seizure, the nature and quantity thereof, and who has present custody of the same, and (b) submit to the Board a copy of the after-mission investigation report within fifteen (15) days from completion of the investigation.

SECTION 8. It shall be the duty of the government laboratory undertaking the qualitative and quantitative analysis of the seized drugs and paraphernalia to furnish the Dangerous Drugs Board a copy of its laboratory analysis report on a monthly basis. The seized or confiscated drugs and/or paraphernalia shall remain in the custody of the evidence custodian of the apprehending unit or the laboratory conducting the examination where the same is submitted, for purposes of preserving chain of custody. After the final termination of the case, either by the law enforcement unit on the ground that no case has been filed, no witnesses are available, no arrest is made or there is no sufficient evidence to warrant prosecution; or by the fiscal or the court, which may result either in a conviction, acquittal or dismissal, the seized drugs or paraphernalia shall be turned over to the

Dangerous Drugs Custodian (NBI) for appropriate disposition in accordance with existing regulations of the Board.

SECTION 9. All Board regulations inconsistent with these provisions are hereby repealed or amended accordingly.

SECTION 10. This Regulation shall take effect after the completion of its publication in the Official Gazette and in a newspaper of general circulation once a week for two (2) consecutive weeks, whichever is earlier.

TOMAS P. MARAMBA, JR., M.D., M.H.A.
Vice-Chairman
Undersecretary of Health for
Standards and Regulation

[Signed]

E/NL.1991/32

BOARD REGULATION NO. 4, S. 1990, 15 February 1990

ADMINISTRATIVE SANCTIONS FOR VIOLATIONS OF BOARD REGULATIONS

Pursuant to the powers vested in the Dangerous Drugs Board under Section 36(a) of Republic Act No. 6425, as amended 1/ and to ensure strict compliance with its regulations, the following sanctions are hereby prescribed:

(a) Closure:

a.1 Closure of the establishment - For illegal importation, distribution, manufacture, production, compounding, dispensing and sale of, and other unlawful acts in connection with, dangerous drugs and exempt dangerous drug preparations.

a.2 Closure of the centre - For operating a treatment and rehabilitation facility without any permit from the Board.

(b) Suspension or revocation of applicable S-license for:

b.1 Failure to record sales, purchases, acquisitions and deliveries of dangerous drugs and exempt dangerous drug preparations (Board Regulation No. 2, S. 1973) 2/

b.2 Failure to comply with Board Regulation No. 8, S. 1973 (Amendment to Section 5 of Board Regulation No. 2, S. 1973 to provide for prescription requirements for Surital and Sodium Pentothal) 3/

b.3 Loss of Prescription Forms for Dangerous Drugs (DDB Form No. 1-72) through negligence (Board Regulation No. 10, S. 1973) 4/

b.4 Failure to comply with Board Regulation No. 11, S. 1973 (Filling of Prescriptions for Dangerous Drugs) 5/

(c) Warning or Reprimand - For failure to comply with Board Regulations not covered by paragraphs (a) and (b) of this Regulation.

The imposition of any of the above sanctions shall carry with it a recommendation that the license to practice of the person involved in the violation be revoked, without prejudice to the institution of appropriate criminal proceedings should the circumstances so warrant.

This Regulation shall take effect after the completion of its publication in the Official Gazette and in a newspaper of general circulation once a week for two (2) consecutive weeks, whichever is earlier.

TOMAS P. MARAMBA, JR., M.D., M.H.A.
Vice-Chairman
Undersecretary of Health for
Standards and Regulation

[Signed]

E/NL.1991/33

BOARD REGULATION No. 6, S. 1990, 15 February 1990

AMENDMENT OF BOARD REGULATION NO. 5, S. 1972 BY INCLUDING N-HYDROXY MDA, N-ETHYL MDA AND 4-METHYLAMINOREX; THEIR SALTS, ISOMERS, AND SALTS OF ISOMERS; AND COMPOUNDS, MIXTURES, AND PREPARATIONS CONTAINING SUCH SUBSTANCES IN THE LIST OF PROHIBITED DRUGS, SUBJECT TO CERTAIN CONDITIONS

SECTION 1. Pursuant to its powers under Section 36(a) of Republic Act No. 6425, as amended, 1/ the Dangerous Drugs Board, having found after evaluation that the following substances: 6/ N-hydroxy MDA, N-ethyl MDA, 4-methylaminorex have the capacity to produce dependence and are likely to be so abused as to constitute a public health and social problem, which finding is in agreement with the opinion of the World Health Organization that such substances should be included in Schedule I of the 1971 Convention on Psychotropic Substances, pursuant to Article II, paragraphs 1 and 4 of said Convention, hereby classifies the said substances as Dangerous Drugs and further categorizes as Prohibited Drugs, as well as their salts, isomers (whether optical, position, or geometric) which (a) exist within the specific chemical designations by whatever official name, common name or usual name, chemical name or brand name and (b) have the same or similar psychologic and/or physiologic effects as the parent drugs mentioned above.

SECTION 2. All compounds, mixtures, or preparations containing these substances and their salts, isomers, and salts of isomers qualified in Section 1 hereof are classified as Dangerous Drugs and further categorized as Prohibited Drugs.

SECTION 3. In view of this classification, these Dangerous Drugs shall be subject to all control measures in Article II, "Prohibited Drugs" and Article IV, "Provisions of Common Application to Offences Penalized under Articles II and III", of Republic Act 6425, as amended, and pertinent Regulations issued by the Dangerous Drugs Board.

SECTION 4. Any violation hereof shall be a ground for the institution of criminal proceedings in the proper court.

SECTION 5. This Regulation supplements Board Regulation No. 5, S. 1972 7/ and shall take effect fifteen (15) days after the completion of its publication in a newspaper of general circulation once a week for two (2) consecutive weeks.

TOMAS P. MARAMBA, JR., M.D., M.H.A.
Vice-Chairman
Undersecretary of Health for
Standards and Regulation

[Signed]

E/NL.1991/34

BOARD REGULATION No. 7, S. 1990, 19 April 1990

SUPPLEMENTING BOARD REGULATION NO. 5, S. 1972 BY INCLUDING ALPHA-METHYLTHIOFENTANYL, PARA-FLUOROFENTANYL, BETA-HYDROXYFENTANYL, BETA-HYDROXY-3-METHYLFENTANYL, THIOFENTANYL AND 3-METHYL-THIOFENTANYL; THEIR SALTS, ISOMERS AND SALTS OF ISOMERS; AND COMPOUNDS, MIXTURES, AND PREPARATIONS CONTAINING SUCH SUBSTANCES IN THE LIST OF PROHIBITED DRUGS SUBJECT TO CERTAIN CONDITIONS

SECTION 1. Pursuant to its powers under Section 36(a) of Republic Act No. 6425, as amended, 1/ the Dangerous Drugs Board, having found after evaluation that the following substances: 6/ Alpha-methylthiofentanyl, Para-fluorofentanyl, Beta-hydroxyfentanyl, Beta-hydroxy-3-methylfentanyl, Thiofentanyl, 3-methylthiofentanyl, so-called "designer drugs", have the capacity to produce dependence and are likely to be so abused as to constitute a public health and social problem, which finding is in agreement with the recommendation of the Director-General of the World Health Organization to the Secretary-General of the United Nations organization, that said substances be included in Schedules I and IV of the 1961 Convention on Narcotic Drugs, pursuant to Article 3, paragraph 1, of the 1961 Single Convention on Narcotic Drugs, as amended by the 1972 Protocol, hereby classifies as Dangerous Drugs and further categorized as Prohibited

Drugs, the above substances, as well as their salts, isomers (whether optical, position, or geometric) which (a) exist within the specific chemical designations by whatever official name, common name or usual name, chemical name or brand name and (b) have the same or similar psychologic and/or physiologic effects as the parent drugs mentioned above.

SECTION 2. All compounds, mixtures, or preparations containing these substances and their salts, isomers, and salts of isomers qualified in Section 1 hereof are classified as Dangerous Drugs and further categorized as Prohibited Drugs.

SECTION 3. The production, manufacture, export and import, trade, prescribing, dispensing, possession or use of any of the above drugs for whatever purpose, including medical, scientific research and clinical trials therewith are hereby prohibited.

SECTION 4. Any violation hereof shall be a ground for the institution of criminal proceedings in the proper court.

SECTION 5. This Regulation supplements Board Regulation No. 5, S. 1972 7/ and shall take effect fifteen (15) days after the completion of its publication in a newspaper of general circulation once a week for two (2) consecutive weeks.

TOMAS P. MARAMBA, JR., M.D., M.H.A.
Vice-Chairman
Undersecretary of Health for
Standards and Regulation

[Signed]

Notes by the Secretariat

1/ E/NL.1982/43.

2/ E/NL.1976/58.

3/ E/NL.1976/64.

4/ E/NL.1976/66.

5/ E/NL.1976/67.

6/ Chemical names were given in the text for the substances listed. These names were identical to those which appear in the international drug control treaties and are accordingly not reproduced.

7/ E/NL.1976/54.